

## REMARKS

This Response is submitted in reply to the Office Action dated July 18, 2008. Claims 1, 4 to 6, 8 to 13, 16 to 18, 20 to 23, 25, 28, 34, 38, 40, 41, 46, 47, 51, 52, 55, and 56 have been amended. New claims 59 to 66 have been added. No new matter has been added by these amendments or new claims. Please charge deposit account 02-1818 for any fees due in connection with this Response.

The Office Action rejected claims 1 to 58 under 35 U.S.C. § 112 as failing to comply with the written description requirement. Specifically, the Office Action stated that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action stated that the claims require the “predetermined modifier being independent of the winning symbol combination,” but that there is no support in the specification that explicitly states that the predetermined modifiers are independent of the winning symbol combinations.

Applicant respectfully disagrees, and submits that the present specification discloses modifiers which are independent of the winning symbol combinations. First, the specification discloses that “[e]ach of the paylines includes a fixed modifier, such as a fixed multiplier, which multiplies any awards associated with winning symbol combinations” (abstract) (emphasis added). Thus, the multiplier is static (i.e., it does not change based on the winning symbol combination), and is applied identically to any winning symbol combination which is generated for a play of the game (i.e., regardless of the winning symbol combination).

The specification further discloses “the paylines are numbered and the fixed modifiers or multipliers are related to the payline number of each of the paylines” (¶11). “If any winning symbol combinations occur on one or more of these paylines, the gaming device provides the award (A) indicated by the designated payable, the modifier or enhancement (P) associated with the winning payline, and the credits (C) wagered on the payline” (¶12). “Preferably, the modifiers or multipliers are fixed such

that prior to placing the wager, the player knows what the different modifier is for each of the paylines" (§113).

Applicant submits that the modifiers are static and are determined prior to the player placing a wager, and thus cannot exist if the modifier is based on the winning symbol combination, which is generated after the player places the wager. Since the specification discloses static modifiers or multipliers, Applicant respectfully submits that the claimed predetermined modifier being independent of the winning symbol combination is supported in the specification. Thus, Applicant submits that claims 1 to 58 satisfy the written description requirement of 35 U.S.C. §112 and are in condition for allowance.

The Office Action rejected claims 1 to 58 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,190,255 to Thomas et al. ("*Thomas*") in view of U.S. Patent No. 5,833,537 to Barrie ("*Barrie*"). Applicant respectfully disagrees and traverses this rejection for at least the reasons set forth below.

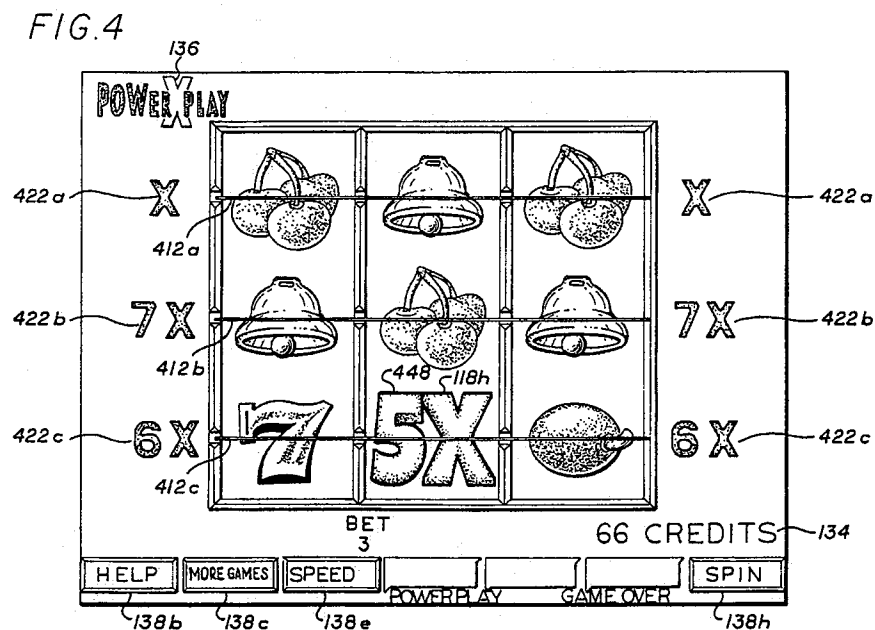
*Thomas* discloses a gaming machine operable in a basic mode and a bonus mode for controlling game play (col. 2, ll. 8-10). The gaming machine selects a game outcome from a number of possible game outcomes, identifiable according to a pay table as winning combinations (col. 2, ll. 21-25). In basic mode, the gaming machine enables a player to active a number of pay lines according to a number of coins or credits played (col. 3, ll. 50-54). Winning "basic" game outcomes are identifiable by a payable (see FIG. 3, reproduced below) affixed to the slot machine (col. 4, ll. 13-16).

Fig. 3

	PAY LINE 1	PAY LINE 2	PAY LINE 3	PAY LINE 4	PAY LINE 5
	100	200	300	400	1000
	80	80	80	80	80
	40	40	40	40	40
	30	30	30	30	30
	20	20	20	20	20
	20	20	20	20	20
	15	15	15	15	15
	10	10	10	10	10
	5	5	5	5	5
	5	5	5	5	5
	2	2	2	2	2
	2	2	2	2	2

According to FIG. 3 of *Thomas*, if a winning combination of three Jackpot Symbols is generated, the gaming device provides an award of 100 credits if the combination is on pay line 1, an award of 200 credits if the combination is on pay line 2, an award of 300 credits if the combination is on pay line 3, an award of 400 credits if the combination is on pay line 4, and an award of 1000 credits if the combination is on pay line 5. According to FIG. 3, for all other winning symbol combinations, *Thomas* provides an award which is the same regardless of the payline on which the award occurs. For example, *Thomas* provides an award of 80 credits for a winning combination of three Seven Symbols regardless of the payline on which the three Seven Symbols occur.

*Barrie* discloses a gaming device which positions symbols on a playing field, wherein the symbols persist through two or more sequential rounds of a game (abstract). FIG. 4 of *Barrie*, reproduced below, illustrates such persistence:



As illustrated in FIG. 4, each payline 412a, 412b, and 412c includes an associated pay line multiplier indicia 422a, 422b, or 422c, respectively (col. 5, l. 67 – col. 6, l. 1). One event which causes the appearance, or a change in the appearance, of the persistence symbols 422a,b,c is the occurrence of a multiplier symbol 448 in one of the reel positions 118h (col. 6, ll. 1-5). The new value is the sum of the previous value and the

value of the multiplier symbol 448 (col. 6, ll. 8-10). Thus, in the illustrated embodiment, the value of the persistence symbol 422c was 1x prior to the illustrated spin of the reels (col. 6, ll. 12-15). After the spin of the reels, the 5x symbol 448 in the bottom position of the middle reel increases the value of the persistence symbol 422c to a value of 6x, as illustrated (col. 6, ll. 12-15).

Amended independent claim 1 includes, among other elements, a plurality of different paylines including a first payline, a plurality of different predetermined modifiers including a first predetermined modifier, each of said different predetermined modifiers being associated with a different one of said paylines and having a value determined independent of each of the plurality of different winning symbol combinations, wherein the first predetermined modifier is the same for each play of the game and is associated with the first payline for each play of a game.

The Office Action stated that *Thomas* fails to teach the amended limitations of providing players with predetermined modifiers associated with wagered-on paylines wherein the outcome is based on the predetermined modifier. The Office Action relied on *Barrie* to remedy this deficiency of *Thomas*. Applicant disagrees that *Barrie* remedies the deficiencies of *Thomas* and submits that amended independent claim 1 is patentable over *Thomas* in view of *Barrie*.

Applicant submits that *Barrie* does not disclose that each of the different predetermined modifiers has a value determined independent of each of the plurality of different winning symbol combinations. Moreover, *Barrie* does not disclose that the first predetermined modifier is the same for each play of the game. Rather, as illustrated by FIG. 4 of *Barrie*, certain of the winning symbol combinations include a multiplier symbol such as the 5x multiplier symbol illustrated. Further, when such a winning symbol combination is displayed, *Barrie* increments or otherwise modifies the value of the modifier associated with the payline on which the combination was displayed. As illustrated, upon the occurrence of the winning symbol combination, *Barrie* increases the previous modifier value of 1x to a current modifier value of 6x by incrementing the value by 5x. Since the values of the modifiers of *Barrie* can change based on the display of certain winning symbol combinations (i.e., those winning symbol combinations including

multiplier symbols), Applicant respectfully submits that *Barrie* does remedy the deficiencies of *Thomas* with respect to each of the different predetermined modifiers having a value determined independent of each of the plurality of different winning symbol combinations. Applicant therefore submits that claim 1 is patentably distinguished over *Thomas* in view of *Barrie* and is in condition for allowance.

Claims 2 to 12, which depend directly or indirectly from independent claim 1, are also allowable for the reasons given above with respect to claim 1, and because of the additional features recited in these claims.

Amended independent claims 13, 25, 38, 51, 52, 55, and 56 (and dependent claims 2 to 12, 14 to 24, 26 to 34, 37, 39 to 47, and 50, which depend directly or indirectly from independent claims 13, 25, 38, 51, 52, 55, or 56) each include certain similar elements to independent claim 1. For reasons similar to those discussed above with respect to independent claim 1, independent claims 13, 25, 38, 51, 52, 55, and 56 (and dependent claims 2 to 12, 14 to 24, 26 to 34, 37, 39 to 47, and 50) are each patentably distinguished over *Thomas* in view of *Barrie* and are in condition for allowance.

The Office Action stated that claims 57 and 58 are obvious over *Thomas* in view of *Barrie* because operation of gaming devices such as the one taught by *Thomas* through an internet network is notoriously old and well known in the art. Applicant submits that amended independent claim 56, from which claims 57 and 58 depend, is patentably distinguished over *Thomas* in view of *Barrie* for at least the reasons given above. Thus, Applicant submits that regardless of whether such network operation is known in the art, claims 57 and 58 are patentably distinguished over *Thomas* and *Barrie* and are in condition for allowance.

New claim 59 depends directly from independent claim 1 and includes, among other elements, a gaming device wherein the value of each of the different predetermined modifiers is the same for each play of the game and wherein each of the different predetermined modifiers is associated with a same one of the paylines for each play of the game. Applicant submits that in addition to the arguments presented above with respect to claim 1, claim 59 is allowable over *Thomas* in view of *Barrie* because the

value of the modifiers of *Barrie* are dynamic (i.e., they change based on the winning symbol combinations generated). On the other hand, the values of the modifiers of claim 59 are the same for each play of the game and are associated with the same payline for each play of the game. For at least this additional reason, Applicant submits that claim 59 is patentably distinguished over *Thomas* in view of *Barrie* and is in condition for allowance.

Claims 60 to 66, which depend directly from independent claims 13, 25, 38, 41, 52, 55, or 56, each include certain similar elements to claim 59 with respect to static modifiers or multipliers. For reasons similar to those given above with respect to claim 59, Applicant submits that claims 60 to 66 are patentably distinguished over *Barrie* in view of *Thomas* and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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